

**PLANNING BOARD
RESOLUTION No. 2013-61**

**A RESOLUTION OF THE KEY WEST
PLANNING BOARD GRANTING AN
EXCEPTION FOR OUTDOOR MERCHANDISE
DISPLAY TO ALLOW FOR THE DISPLAY OF
MERCHANDISE IN THE HRCC-2 ZONING
DISTRICT PER SECTION 106-52 OF THE LAND
DEVELOPMENT REGULATIONS OF THE
CODE OF ORDINANCES FOR PROPERTY
LOCATED AT 951 CAROLINE STREET (RE#
00002970-000000; AK# 1003069) OF KEY WEST;
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the subject property is located in the Historic Residential Commercial Core Key West Bight District (HRCC-2); and

WHEREAS, Section 106-51 of the City Code of Ordinances imposes certain conditions on the display of merchandise where visible from any public place, right-of-way, street or sidewalk; and

WHEREAS, Section 106-52 of the City Code of Ordinances provides that exceptions to the general prohibition may be granted upon application to the Planning Board; and

WHEREAS, a request was submitted for Planning Board consideration to clarify that merchandise can be displayed within the approved Exception area; and

WHEREAS, the Planning Board met on November 21, 2013 to consider factors favoring and disfavoring the Exception pursuant to Chapter 106-52 of the Land Development Regulations; and

NOW THEREFORE BE IT RESOLVED by the Planning Board of the City of Key

West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. That an Exception for Outdoor Display under the Code of Ordinances of the City of Key West, Florida, is hereby granted as follows: allowing the outdoor display of merchandise on either side of the entrance to West Marine located at 951 Caroline Street (RE# 00002970-000000; AK# 1003069), with the following conditions, and per the attached site survey, location plan with a site photo received September 3, 2013:

1. The Exception is limited to 60 months, as shown on the photo for: display of merchandise on two racks proposed to be located on either side of the store entrance;
2. The two racks will hold a combination of 3 kayaks and 2 dinghies;
3. The Exception will only be present during hours of operation. The two racks shall be stored inside the building after hours of operation;
4. Exceptions to Section 106-51 may be revoked by the Planning Board after notice and hearing on grounds that:
 - a) The applicant has failed to comply with terms and conditions specified pursuant to the granting of an Exception in this section;
 - b) The Exception was granted pursuant to mistaken or misleading information; or
 - c) The Exception is not compatible, or in visual harmony, with development of the neighborhood occurring subsequent to granting of this Exception;
5. The City Manager or the Planning Board upon written petition by any City resident may cause issuance of a notice of hearing on revocation of an Exception, which notice shall be issued by the City Clerk.

Section 3. Exceptions to 106-51 may be revoked by the Planning Board after notice and hearing on grounds:

- a. The applicant has failed to comply with terms and conditions specified pursuant to the grant of an Exception in this section.
- b. The Exception was granted pursuant to mistaken or misleading information; or
- c. The Exception is not compatible, or in visual harmony, with development of the neighborhood occurring subsequent to grant of the Exception.

Section 4. The City Manager or the Planning Board, upon any written petition by any city resident, may cause issuance of a notice of hearing on revocation of an Exception, which notice shall be issued by the City Clerk.

Section 5. This Exception for Outdoor Display does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

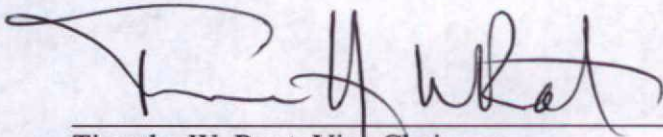
Section 6. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 7. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit will be rendered to the Florida Department of Economic Opportunity Pursuant to Chapter 9J-1, F.A.C., this permit is not effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty-five (45) day review period the DEO can appeal the permit to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or

order.

Read and passed on first reading at a regularly scheduled meeting held this 21st day of November, 2013.

Authenticated by the Vice Chairman of the Planning Board and the Planning Director.



Timothy W. Root, Vice Chairman
Key West Planning Board

12/4/13

Date

Attest:

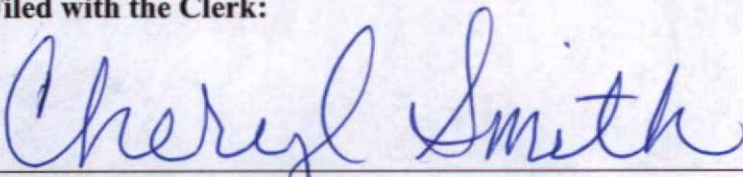


Donald Leland Craig, AICP
Planning Director

12/4/13

Date


Filed with the Clerk:

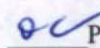


Cheryl Smith, City Clerk

12-4-13

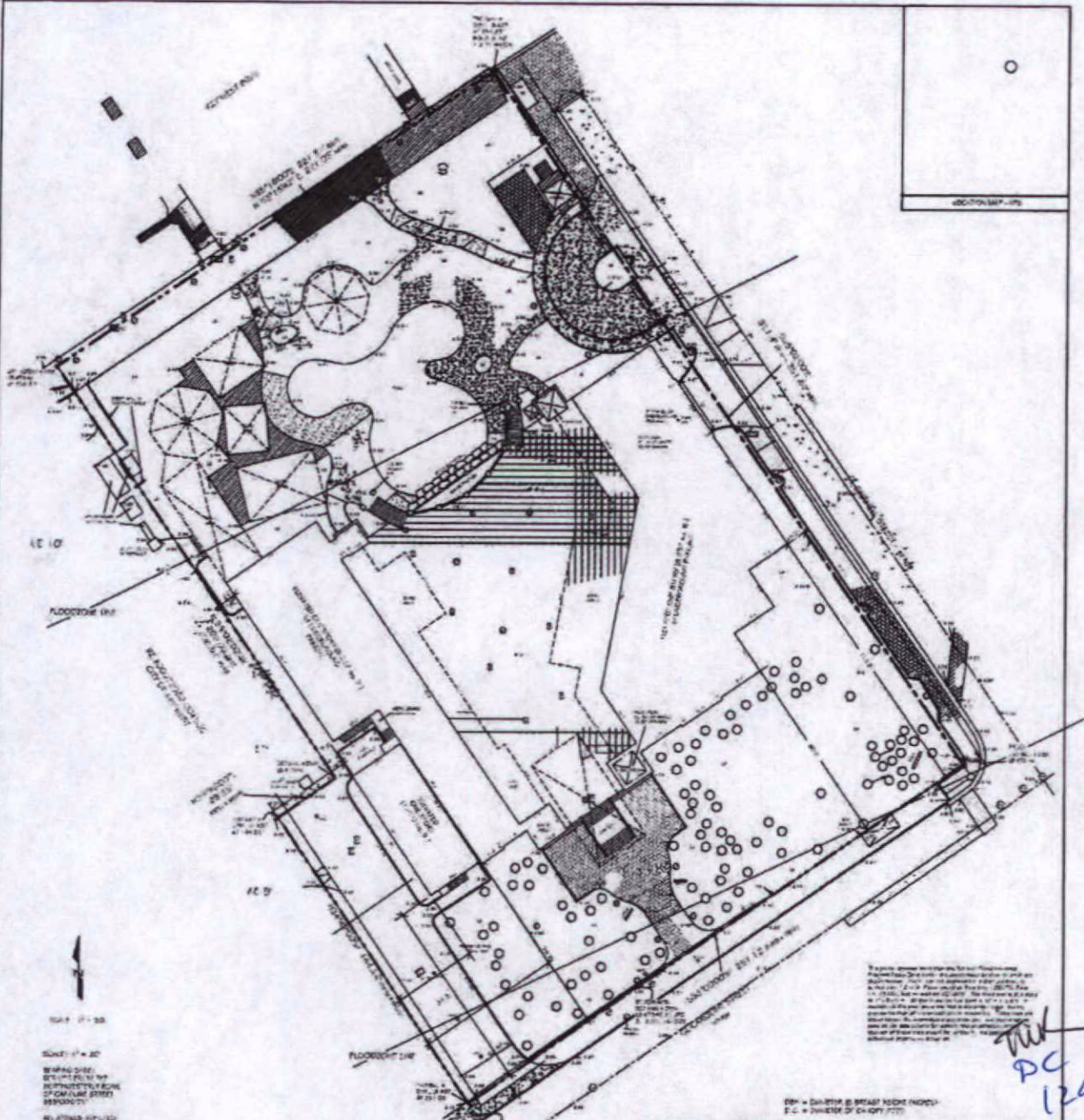
Date

 Vice Chairman

 Planning Director



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DC
12/9/13



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LEGAL DESCRIPTION:
Parcel 1 of Section 36, Township 12N, Range 12E, County of Lincoln, Nebraska
Book 2473, Page 2186

[illegible]

MAP OF BOUNDARY & TOPOGRAPHIC SURVEY
SECTION 31, TOWNSHIP 68 SOUTH, RANGE 25 EAST
ISLAND OF KEY WEST, FLORIDA

CERTIFIED TO:
STONER WARDEN STATE CERTIFIED, a Florida limited liability company

NOTE: This survey is confidential and the information collected will be used to improve the quality of the service provided by the Department of Health and Human Services. The information collected will not be used for any other purpose.

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Figure 1 illustrates the layout of the test material. The test material was divided into two main sections: a 'Figure' section and a 'Table' section. The 'Figure' section contained three diagrams labeled (a), (b), and (c). Diagram (a) was a circle with a horizontal line through its center. Diagram (b) was a circle with a vertical line through its center. Diagram (c) was a circle with a diagonal line through its center. The 'Table' section contained a table with two columns: 'Figure' and 'Table'. The 'Figure' column listed the three diagrams (a), (b), and (c). The 'Table' column listed the corresponding table numbers (1, 2, and 3). The table numbers were listed in a column on the right side of the page.

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